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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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11 LEE JACKSON and KENNETH)
JACKSON,) CASE NO. C07 05667 RS
12)
Plaintiffs,) DECLARATION OF STUART M.
13) WILSON IN SUPPORT OF REQUEST
FOR DENIAL OR CONTINUANCE OF
14 vs.) SUMMARY JUDGMENT UNDER
FRCP 56(f)
15)
SILICON VALLEY ANIMAL CONTROL) Date: September 3, 2008
AUTHORITY, CITY OF SANTA CLARA,) Time: 9:30 a.m.
16 CITY OF CAMPBELL, HUMANE) Courtroom: 4, 5th Floor
SOCIETY OF SILICON VALLEY, AL) Judge: Hon. Richard
17 DAVIS, A. MORRIS and) Seeborg
DOES 1 TO 20,)
18) Trial Date: January 26, 2009
Defendants.)
19)
20

21 I, Stuart M. Wilson, declare as follows:

22 1. I am attorney of record for Plaintiffs Lee Jackson and
23 Kenneth Jackson and have handled this action since its
24 inception.

25 2. The Motions for Summary Judgment by both Defendant
26 HUMANE SOCIETY OF SILICON VALLEY and Defendants SILICON VALLEY
27 ANIMAL CONTROL, AL DAVIS and ANTJE MORRIS are based upon the
28 actions of Animal Control Officers Al Davis and Antje Morris as

1 stated in their reports and declarations. Plaintiffs completed
2 the depositions of both officers on August 22, 2008. The
3 transcripts will show actions by the officers which will assist
4 Plaintiffs in opposing the motions for summary judgment.

5 3. The information contained in the transcripts cannot be
6 produced at this time because the transcripts are not due to be
7 ready until approximately September 5, 2008. The depositions of
8 these officers, as well as the depositions of both Plaintiffs,
9 were continued because of scheduling problems and my
10 unavailability due to the terminal illness and passing of my
11 mother earlier in the summer. The depositions of the Plaintiffs
12 are due to be concluded during the week of September 8, 2008.

13 4. At the conclusions of the depositions on August 22,
14 2008, the parties discussed stipulating to continuing the
15 hearing and, if the hearing were to be continued, what date
16 would be appropriate. We were not able to reach an agreement.

17 5. I believe that the information outlined above will
18 raise a genuine issue of material fact and, therefore, that the
19 present motions should be denied as premature pursuant to
20 Fed.R.Civ.Pro. 56(f).

21 I declare under penalty of perjury that the foregoing is
22 true and correct. Executed within the United States on
23 August 28, 2008.

/s/ Stuart M. Wilson

24 Stuart M. Wilson
25 Attorney for Plaintiffs
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